

POST COUNCIL MEETING

December 5, 2016

Public Safety Education and Training Center, Sandy, UT

MINUTES

On December 5, 2016, a regularly scheduled POST Council meeting was held at 10:00 p.m. at the Public Safety Education and Training Center in Sandy, UT. Chairman James O. Tracy conducted and welcomed those in attendance.

The following POST Council members were in attendance:

Sheriff James O. Tracy, Chairman, Utah County Sheriff's Office
Chief Spencer Austin, JD. Representing Utah Attorney General
Frank Budd, PhD. At Large
Colonel Mike Rapich, Superintendent, Utah Highway Patrol
Matthew Checketts, PhD. At Large
John Crowley, UPOA Representative
Chief Marlon Stratton, St. George City Police Department
Sheriff Robert Dekker, Millard County Sheriff's Office (by phone)
Mayor Toby Mileski, Pleasant View City
Chief Kim Hawkes, North Park Police Department
Executive Director Rollin Cook, Utah Department of Corrections
Commissioner Kerry Gibson, Weber County Commissioner
Victoria McFarland, JD. At Large
Sheriff Cameron Noel, Beaver County Sheriff's Office
Christie Moren, At Large

The following were excused and/or absent:

Chief Wade Carpenter, Vice-Chairman, Park City Police Department
Bruce Bayley, PhD. Weber State University

POST staff present:

Scott Stephenson, Director
Kelly Sparks, Deputy Director
Kevin Bolander, JD. DPS Legal Counsel representing POST, Asst. Attorney General
Marcus Yockey, JD. DPS Legal Counsel representing POST, Asst. Attorney General
Julie Gomez, Administrative Secretary
Brad Macfarlane, POST Investigations
Robert Bench, POST Investigations
Jaclyn Moore, POST Investigations
Jeff Adams, POST Investigations
Jeremy Barnes, POST Investigations
Wade Breur, POST Basic Training Bureau Chief
Christopher Fielding, POST Media Producer
Taylor Conti, POST Investigations Technician

Others present:

Nate Carlisle
Garland Pierce
Anya Hawke
Tein Hawke
Diane Stratton
JC Jensen
Craig Warr
Christi Warr
Shalise Watkins
Mikel Watkins
Jonathan Thorne
Brad Durr
Brian Fisher
Marie Christensen
Todd Christensen
Greg Skordas
Jack Burns
Ron Skeem
Shalaine Skeem
Jared Barker
Amber Garza

WELCOME AND INTRODUCTIONS

The meeting was called to order at 10:04 a.m. Chairman James Tracy welcomed those in attendance and excused Chief Wade Carpenter and Bruce Bayley. He then turned the time over to Director Scott Stephenson. Director Stephenson informed the Council that investigation's Lt. Al Acosta is no longer with POST. Lt. Acosta has retired. POST appreciates his work and what he did for the investigative bureau. POST wishes him all the best. Right now POST has an opening that will be left vacant for a little while. After the holidays POST will start the recruitment for a new lieutenant in investigations. The recruitment will be open both internally and externally as has been done in the past. Be on the lookout for an announcement. The more names in the bin, the better off POST will be in selecting a good candidate to represent law enforcement in that position.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of September 21, 2016, were reviewed and the following motion was made:

Motion: *Toby Mileski motioned to accept the minutes of September 21, 2016.*

Second: *Chief Kim Hawkes seconded the motion.*

Vote: *The motion passed with all in favor.*

QUARTERLY REPORTS

Deputy Director Sparks reported the following: Since the last Council meeting (September 21, 2016), Investigations Bureau received 38 complaints and opened 24 new investigations. There are currently 35 active investigations and 62 total open investigations. Investigations conducted two administrative hearings and closed six cases with no action following the completion of investigations. Investigations received five voluntary relinquishments with the following allegations: use of a controlled substance, driving under the influence (DUI), lying under *Garrity* and falsifying government records. Investigations conducted 161 background investigations for applicants attending a police academy, 20 application reviews for

waiver/reactivations and 30 dispatch application reviews for a total of 211 applications reviewed the past quarter.

Lt. Wade Breur presented the following training bureau report for September 1, 2016 – November 30, 2016. During this quarter, POST trained 843 officers and dispatchers in 38 in-service training classes for a total of 476 hours of training offered. Some of the in-service courses offered this quarter were Defensive Tactics Instructor, Defensive Tactics Recertification, Employee Discipline, Emergency Vehicle Operations (EVO) (not including the POST cadets), EVO Instructor, Firearms Handgun Instructor recertification, Instructor Development, Radar/Lidar and Intoxilyzer recertification.

In the last quarter, POST had two classes graduate. Session #322 started with 35 cadets and 33 law enforcement officers graduated on September 22nd. Session #323 started with 29 cadets and 27 law enforcement officers graduated on November 23rd. The two dismissals in Session #323 were for failing EVO. These individuals will have one year to complete that requirement. Session #324 is in session now with 35 law enforcement officers. That class is scheduled to graduate on December 15th.

SATELLITE AUDITS

Lt. Wade Breur reported POST conducted two satellite academy audits. The first audit was on Utah Valley University Academy (UVU). POST met with Director Steve DeMille and reviewed his training. Director DeMille is still conducting two Special Functions Officer and two Law Enforcement Officer blocks of training at the UVU academy. They are a night academy and currently have a class of 33 students in the current session. That number is a little bit up from previous sessions. There were no exceptions to their administrative audit. The second audit conducted was with the Dixie State University Academy (DSU). The director of the DSU academy is Chief Bob Flowers. There were no exceptions to report during this administrative audit.

Lt. Breur informed the Council that there are 10 satellite academies throughout the State, for a total of 11 academies including POST.

IN-SERVICE TRAINING HOURS AUDIT

Director Stephenson reminded the Council that every year POST conducts an in-service training hour audit. This audit is to ensure that every officer in the state gets the 40 hour minimum requirement for continuing education. Director Stephenson thanked POST staff members John Jacobs and Jayme Garn for heading this audit, it can be very intensive. Although most of the process is automated, there are still officers that POST has to work with to make sure the hours are reported. By way of numbers, there are 8748 peace officers in the state of Utah (there is a fluctuation between 9000 and 8700). That number may be why POST is seeing high numbers in basic training. Departments are filling vacancies they have had the last couple of years.

POST initially sent out 178 suspension letters. What that means is as of August 1, POST sent out a suspension letter letting the officer know they are deficient in training hours. Those letters go to the departments as well as the officer letting them know they are suspended until they make the in-service training hour requirement complete. After working with the officers and their departments, POST got that number down to 13 names that were submitted to the Utah Retirement System (URS). It is up to URS to determine what effect that may have on the officer's retirement. If the officer fails to get the in-service requirement, they may lose that year of public safety retirement and go in to the public employee retirement for the year that they were deficient. The officer has until October 1st to make up that deficiency. They are given more than ample time to get the hours in to POST. Of the 13 names submitted, eight were law enforcement officers and five were special function officers.

FIREARMS SIMULATOR SUBCOMMITTEE REPORT

Director Stephenson reminded the Council that during the September POST Council meeting, they approved a subcommittee to review the VirTra firearms simulator system. The Attorney General's office has purchased this system and the subcommittee was charged with determining whether it should be used in basic training or as part of an in-service program. The subcommittee met and came up with a recommendation. Captain Sparks was asked to head the committee to eliminate Director Stephenson's biases regarding simulator training. Director Stephenson stated he felt very comfortable with the job that Captain Sparks did in putting this meeting together and summarizing the information.

Director Stephenson pointed out some of the recommendation highlights. The committee recommended not having the simulator in basic training. This was due to logistical issues with POST and not wanting to take time away from agencies being able to use the simulator for in-service training. If every POST recruit went on the simulator, it would be very difficult and time consuming to manage. The committee agreed it would take away from in-service officers having the availability to train on the VirTra system.

The recommendation is to treat the simulator training in a similar fashion to EVO training. This will be a program that takes place after the recruit graduates. You as administrators have the option of sending the officer through the VirTra training. It will not be a requirement by POST for certification. It will give the officer additional experience in front of different scenarios in a simulator training. However, as administrators, you may want to look at including it as part of your field training officer (FTO) program. The more experience they gain the more the simulator training will be relevant and relatable to the officer.

The other big concern for the committee was the satellite academies having availability of a firearms simulator system. Again, POST does not want to create two different curriculums to obtain certification. Director Stephenson feels this was a wise recommendation by the subcommittee.

Chairman Tracy thanked the subcommittee members who included Chief Wade Carpenter, Sheriff Robert Dekker, Chief Ken Wallentine, Lieutenant Wade Bruer, Mr. John Jacobs and Captain Kelly Sparks.

Executive Director Rollin Cook asked to verify if the departments could allow their officers to stay over one additional day after the academy, rather than coming back at a later date for the training. Director Stephenson answered yes.

Frank Budd asked if the simulator training being referred to is at the Attorney General's office. Director Stephenson answered yes this is the simulator we are referring to. Chairman Tracy stated that he believes there are three simulators in the state including one at the Swanson training center. Director Stephenson stated there are four. Provo, Salt Lake County Sheriff's Office and the AG's office have them as well.

Motion: *Mayor Toby Mileski motioned to accept the recommendation of the subcommittee.*
Second: *Chief Kim Hawkes seconded the motion.*
Vote: *The motion passed with all in favor.*

DISCIPLINARY CASES

Attorney Marcus Yockey presented the following cases to the POST Council:

CARSON APRATO

Offence – Driving under the influence
Category –D

Recommended Discipline – 1 year suspension

Status – N/A

Agency – Not Employed

On May 22, 2016, Carson Aprato was pulled over for a speeding violation by a local agency. The investigating officer had Aprato perform field sobriety tests. It was determined Aprato was under the influence of alcohol. Aprato was arrested and submitted to a breath test. His breath alcohol content was .105. Aprato was booked into the county jail and charged with driving under the influence of alcohol. On October 12, 2016, Aprato pled guilty to the charge of speeding and all other charges were dismissed without prejudice.

On November 30, 2016, Carson Aprato waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Motion: *Chief Marlon Stratton motioned to accept recommended 1 year suspension of Carson Aprato's peace officer certification.*

Second: *Executive Director Rollin Cook seconded the motion.*

Vote: *The motion passed with all in favor.*

JARED BARKER

Offence – Engages in sexual conduct while on duty

Category – B

Recommended Discipline – 3 year suspension

Status – Resigned 7/15/16

Agency – Springdale/Zion Canyon DPS

On July 15, 2016, Jared Barker was investigated for sexual conduct on duty. During a *Garrity* interview with his agency, Barker admitted to engaging in sexual conduct while on duty on at least two occasions. After the interview, Barker resigned from his agency, which was prior to the investigation being completed.

On October 18, 2016, during a *Garrity* interview with POST, Barker admitted that between May 1, 2016, and June 30, 2016, he engaged in sexual conduct with his girlfriend, at her residence, while on duty.

On November 9, 2016, Jared Barker waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chairman Tracy informed the Council there was a letter of support from Mr. Barker's agency.

Jared Barker addressed the Council and apologized for his actions. He apologized for taking for granted what he had as a police officer in his position. He stated that signing the resignation letter with his agency was the swiftest and most powerful lesson he has ever learned in his life. He promised that when he was an officer again nothing like this will ever happen. He respectfully asked to be considered for leniency from the Council.

Mayor Mileski asked Attorney Yockey if this was a category B. Attorney Yockey answered yes and the baseline is three years.

Motion: *Director Rollin Cook motioned to not accept the recommended 3 year suspension and recommended a 1 1/2 year suspension of Jared Barker's peace officer certification.*

Second: *Chief Marlon Stratton seconded the motion.*

Vote: *The motion passed with 12 in favor and 2 opposed (Mileski and Moren).*

TODD CHRISTENSEN

Offence – Child Abuse
Category – C
Recommended Discipline – 2 year suspension
Status – Still Employed
Agency – Weber County Sheriff's Office

On or about November 2, 2015, Todd Christensen hit his seven year old son in the forehead causing swelling and bruising. Christensen described hitting his son in the forehead by using the knuckle on his right forefinger. Christensen explained he heard noise coming from the shower and upon checking, observed his son pulling on the adjustable shower head fixture.

A state social service agency case worker reported she observed clearly visible swelling and bruising on the child's head approximately eight to ten days after the incident was discovered by school officials. The state social service agency sustained the physical abuse allegation. Investigators screened a class A misdemeanor child abuse charge on Christensen. On March 31, 2016, a city prosecutor filed an infraction charge of disorderly conduct on Christensen. On April 26, 2016, Christensen pled guilty to the charge.

On September 13, 2016, a hearing was held before the administrative law judge (ALJ). The ALJ subsequently issued findings of facts and conclusions of law stating Todd Christensen violated UCA 53-6-211 as outlined in the notice of agency action.

Todd Christensen addressed the Council and asked permission to pass out a letter of support from Judge Michael DiReda. Mr. Christensen stated that Judge DiReda is the district court judge in Ogden where he is currently working as his bailiff. Chairman Tracy allowed the letter to be considered by the Council. Mr. Christensen apologized to the Council and stated this case has been an absolute nightmare for himself and his family. He stated that when dealing with the child discipline, he did not intend to hit his child as hard as he did. He takes responsibility for that. He feels he has done everything he can to take responsibility. He stated he has been completely honest and has shown a lot of candor during both investigations with his office and the POST investigators. He has since done what he can to fix things at home and fix things at work. His office disciplined him and put him back to work. He loves and appreciates this job and 15 years later he still wants to do this job.

Executive Director Rollin Cook asked if Weber County took any disciplinary action and if so what action did they take? Mr. Christensen replied that he was given five days off without pay and ordered to complete a parenting class and an anger management class.

Mayor Mileski asked how long Mr. Christensen has been in law enforcement. Mr. Christensen answered almost 15 years. Mayor Mileski asked what Mr. Christensen's agency policy is regarding whether or not he receives a suspension from POST. Mr. Christensen replied that the policy would be he could either resign or terminate. He didn't know if there would be any leeway depending on the length or the suspension. Mayor Mileski asked if Mr. Christensen has had any issues with POST prior to this. Director Stephenson answered no.

Todd Christensen asked the Council for mercy.

Greg Skordas, attorney for Todd Christensen, addressed the Council. He stated the case was ultimately charged, not as a misdemeanor but as an infraction. It wasn't plea bargained and it wasn't reduced. Todd entered the plea to the infraction. He stated that he only mentioned that because the baseline for an infraction would be significantly different than where we are today. Commissioner Gibson asked what the baseline would be on an infraction. Attorney Yockey answered that typically for an infraction, it is a 3 month suspension. It generally falls under category F.

Commissioner Gibson stated he always wonders how to handle these cases when the officer is from his department. He is not involved in the day to day management of the department in Weber County but does

provide some oversight to the sheriff's office. Generally when a case comes before the Council that involves a Weber County officer, he abstains from the vote in that particular case. He feels that would be appropriate to do in this case. He asked permission to make a statement regarding the case.

Chairman Tracy informed Commissioner Gibson that if he is going to recuse himself, he shouldn't make a statement. Commissioner Gibson stated he would like to make a comment that is not specific to Mr. Christensen. He feels there is always a fine line about discipline verses child abuse. He feels the line gets blurred sometimes. Sometimes we make it harder than it is. Commissioner Gibson stated he feels his discipline might be a little harsher than others. He would never want to cause issues or harm and rise to the level of child abuse. He feels we need to balance that very carefully and not jump to harsh discipline unless it can be proven that was the intent. He informed the Council there is a statement in this case that says there is no evidence that this act was a part of a larger pattern of violence.

Mayor Mileski stated that based on count two under the title that says "or in the alternative for an infraction", he would recommend a letter of caution be given to Mr. Christensen.

Motion: Mayor Mileski motioned to not accept the recommended 2 year suspension and recommended a letter of caution be given to Todd Christensen.

Second: Sheriff Noel seconded the motion.

Discussion: Victoria McFarland stated these are never easy cases. She is not a parent, but she understands this is an issue that touches really closely for a number of people. She has a little concern that if this Council starts going down a path of saying if there was no history there was no intent. We haven't treated DV situations in that same way historically. She thinks there were a number of times where there were individuals who have been accused of domestic violence and really there was no pattern. In those cases there was just one heated argument. Ms. McFarland feels if we start talking about this in terms of not seeing any pattern, how can we do anything other than issue a letter of caution. She doesn't see how we can't apply that same reasoning when those types of cases come forward either.

Ms. McFarland said she is opposed to a letter of caution in this particular case based on the facts that are seen. This is a very difficult situation. Not understanding the role as a parent and discipline, but she thinks there are some factors in this case that raise concern. The ALJ pointed out a mark and swelling was noticeable 10 days after the fact. There was a noticeable bruise. There are arguably other options rather than a raised knuckle punch to this child's head. She doesn't think a letter is appropriate in this case. Ms. McFarland stated that she is struggling to try and find the right scenario. In her mind it is somewhere between perhaps the two year recommendation and maybe half of that. For those reasons and the dangerous precedent it perhaps sets, she feels a letter is not an appropriate course of action here. Ms. McFarland stated that a sub-motion would be for a suspension of 6 months. She feels that cuts some of the difference between the prior motion, the baseline for an infraction and what she believes the ALJ thought there was support for.

Sub-Motion: Victoria McFarland made a sub-motion to recommend a 6 month suspension of Todd Christensen's peace officer certification.

Discussion: Executive Director Cook stated that he agrees with Ms. McFarland. He feels the Council has gone too far. He stated he was thinking a 9 month suspension. He appreciates everything Mr. Christensen has said and done. He feels we have gone too far to say we are going to issue a letter of caution for this particular case. If he was going to make a motion, it would be at the back end of the category C and it would be the 9 month suspension. To him, that shows enough of the mitigation that has been provided. A letter of caution is a very poor message in his opinion to those that wear the badge.

Second: Sheriff Dekker seconded the sub-motion.

Vote: The sub-motion failed with 6 in favor and 7 opposed. (Moren, Noel, Austin, Mileski, Budd, Hawkes and Cook) (Commissioner Gibson recused himself)

Vote: Returned to the original motion for a letter of caution which failed with 5 in favor and 8 opposed.
(Commissioner Gibson *recused himself*)

Motion: ***Executive Director Cook made a motion to recommend a 9 month suspension of Todd Christensen's peace officer certification.***

Second: ***Victoria McFarland seconded the motion.***

Vote: ***The motion passed with 10 in favor and 3 opposed. (Mileski, Noel and Austin)***
(Commissioner Gibson *recused himself*)

BRADLEY DURR

Offence – Unlawful use of a controlled substance

Category – C

Recommended Discipline – 3 1/2 year suspension

Status – Resigned 4/18/16

Agency – Unified Police Department

On January 2, 2016, Bradley T. Durr was investigated by an outside police agency for domestic violence related assault and domestic violence related criminal mischief. The investigation disclosed that on January 2, 2016, while investigating the domestic violence, Durr's wife told police Durr had been using steroids. An internal administrative investigation was conducted on Durr, and as part of that investigation, Durr participated in a reasonable suspicion drug test. Test results for Durr returned positive for steroids. Durr admitted in the department *Garrity* interview, as well as in the POST *Garrity* interview, that he purchased and used steroids throughout the year of 2015. Durr admitted to purchasing steroids three times. His first purchase was in January of 2015 and his last purchase was just after Thanksgiving in 2015.

On November 2, 2016, Brad Durr waived his right to a hearing before an administrative law judge and stipulated to the majority of the facts as contained in the notice of agency action.

Jonathon Thorne, attorney for Brad Durr, addressed the Council. He pointed out that Brad has been an officer since 2005. For the last 11 years he has been an excellent officer with no discipline. During 2015 he made a grave mistake. He has readily admitted to his department and POST the use of steroids, the amount of steroids and who he got them from. He has not tried to hide that fact. He has always been an outstanding officer up until this mistake. It is a mistake he will not forget and will never make again. Officer Durr is willing to provide drug tests for the POST Council during his suspension and after his suspension. This is not going to happen again. On March 17th, through me, his attorney, we self disclosed to POST. Lt. Al Acosta was called and was told about the situation. In theory, Unified Police would have submitted this to POST. Brad wanted to make sure this got before the Council and that it was addressed. Brad made a mistake and he wanted to own up to his mistake. This is a case where Brad did self report. He didn't wait around and hope that Unified wouldn't take any action.

Brad Durr addressed the Council. He apologized for what he has done. He is ashamed of himself and for his actions. He has learned a valuable lesson and this is something he will never do again. He would like to continue to live his dream as a police officer again in the near future.

Mayor Mileski asked when the suspension would start. Director Stephenson answered that it is typically the date of separation. In this case the date of separation was April 18, 2016. Attorney Thorne stated that he believed it would start on the date Mr. Durr stopped serving as a police officer which would be January 2, 2016. Mr. Durr stopped engaging in any police authority at that time. The agency put him on administrative leave and took away his badge and his gun. Since that time Mr. Durr has not performed any police work. Director Stephenson stated that could be considered by the Council. Chairman Tracy stated that as a practice, the Council has always used the date of separation, but that is something that can be considered.

Christie Moren stated the focus of this case seems to be the steroids but the DV (domestic violence) part of it isn't really dealt with. Her concern isn't necessarily with the steroid use, it would be the DV. She stated she doesn't know if it was not presented that way for a reason. Attorney Yockey replied that the reason the DV was put in was because of the reasonable suspicion drug test. POST wouldn't have been able to get to the reasonable suspicion drug test without the report. It wasn't just a random test. Ms. Moren stated that her concern is the domestic violence issue. Mr. Yockey stated that POST wasn't able to substantiate domestic violence. There wasn't clear and convincing evidence for that.

Colonel Rapich asked where Mr. Dunn purchased the steroids from. Attorney Thorne answered they came from an individual who Mr. Durr had started a diet plan with. Mr. Durr had originally started to work on his body and was on a diet plan this individual suggested. Mr. Durr was told at some point, a faster way to do it would be to start doing steroids. Mr. Durr provided that name to the POST Council, it's in the record.

Motion: *Colonel Mike Rapich motioned to accept the recommended 3 1/2 year suspension of Bradley Durr's peace officer certification.*
Second: *Director Rollin Cook seconded the motion.*
Vote: *The motion passed with all in favor.*

BRIAN FISHER

Offence – Voyeurism

Category - B

Recommended Discipline – 3 year suspension

Status – N/A

Agency – Not Employed

On August 25, 2016, Brian Fisher was investigated by a local law enforcement agency for voyeurism. The investigation disclosed Fisher, while working as a security guard, used his personal cellular phone to take three photographs of a woman, under her skirt, without her knowledge. Fisher was arrested and charged with voyeurism, a class A misdemeanor.

On October 18, 2016, during a POST *Garrity* interview, Fisher admitted to taking three photographs of a woman, under her skirt, while at his place of employment. Fisher confirmed the woman had no knowledge he was taking the photographs.

On November 21, 2016, Brian Fisher waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Brian Fisher addressed the Council and explained how this has affected his life. He stated it almost destroyed his marriage. He lost his job and his security guard license. He used to live his life with honor and integrity and now that is all gone. He feels he has learned his lesson one million fold. He stated this will never happen again. He asked for leniency and hoped to maybe go through POST again to earn the badge and wear it with honor this time.

Chairman Tracy asked Mr. Fisher if he has ever been employed by an agency as a law enforcement officer. Mr. Fisher answered no.

Matthew Checketts stated that he would like to make a motion for revocation. He doesn't believe that an officer who is doing this should be a police officer.

Motion: *Matthew Checketts motioned to not accept the 3 year suspension recommendation and recommended Revocation of Brian Fisher's peace officer certification.*
Second: *Toby Mileski seconded the motion.*
Vote: *The motion passed with all in favor.*

TEIN HAWKE

Offence – Use or possession of a controlled substance (Marijuana)

Category – C

Recommended Discipline – 2 year suspension

Status – Terminated 9/1/16

Agency – Box Elder County Sheriff's Office

On July 29, 2016, Tein Hawke was investigated by his agency for using marijuana. The investigation disclosed that Hawke had used marijuana while vacationing in Colorado. Hawke consumed edibles containing marijuana and smoked marijuana over a one-day period. When Hawke returned to Utah, he disclosed his marijuana use to his supervisor.

Hawke was terminated from his agency on September 1, 2016. During a *Garrity* interview with POST, Hawke admitted to purchasing edibles containing marijuana in Colorado and consuming them.

On November 21, 2016, Tein Hawke waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Tien Hawke addressed the council and apologized for being there. He stated that he deeply regrets his decision and for that reason he is not asking the Council to reduce the baseline.

Motion: *John Crowley motioned to accept the 2 year suspension recommendation of Tein Hawke's peace officer certification.*
Second: *Chief Marlon Stratton seconded the motion.*
Vote: *The motion passed with all in favor.*

TROY MARSHALL

Offence – Shooting from the roadway

Category – E

Recommended Discipline – Letter of caution

Status – N/A

Agency – Not Employed

On December 5, 2016, Troy Marshall was hunting elk on a dirt roadway with a friend. The friend observed an elk approximately 70 yards from the roadway and stopped his vehicle. Marshall exited the passenger seat of the vehicle and knelt down in the roadway. Marshall loaded his rifle and fired one shot at the elk. After the shot, officers exited a nearby hunting blind and approached Marshall. An officer informed Marshall that the elk was a decoy and part of an investigative operation. The officer also explained to Marshall that it was not legal for him to fire his rifle from the roadway. Marshall was issued a citation for shooting from the road. Marshall contacted the court, pled guilty, and paid a fine.

On November 3, 2016, Troy Marshall waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski asked if this was on a dirt road, in the mountains and quite a ways away from the population. Attorney Yockey answered that he believes so. Mayor Mileski asked how long Mr. Marshall has been certified

by POST. Director Stephenson answered that Mr. Marshall is retired. He worked over 20 years in the profession.

Motion: *Frank Budd motioned to accept the recommended letter of caution.*
Second: *John Crowley seconded the motion.*
Vote: *The motion passed with all in favor.*

MATTHEW MARTINEZ

Offence – Sexual Solicitation
Category – D
Recommended Discipline – 1 year suspension
Status – Terminated 12/22/14
Agency – Beaver County Sheriff's Office

On December 15, 2014, Matthew Martinez contacted the local police and reported his apartment was burglarized. During the investigation, the responding officer discovered Martinez agreed to pay a female Martinez had met on social media \$670 to have sex with him. The investigating officer issued Martinez a citation for sexual solicitation. On April 23, 2015, Martinez pled guilty to sexual solicitation a class B misdemeanor. An internal administrative investigation was conducted by the BCSO. During a *Garrity* interview, Martinez admitted he agreed to pay a female for oral sex and sexual intercourse. Martinez's employment with the BCSO was terminated.

Martinez failed to respond to the notice of agency action. On October 19, 2016, an order of default was signed by the administrative law judge and mailed to Martinez.

Motion: *Mayor Mileski motioned to accept the recommended 1 year suspension of Matthew's Martinez' peace officer certification.*
Second: *John Crowley seconded the motion.*
Vote: *The motion passed with all in favor. (Sheriff Noel recused himself)*

MATTHEW O'BRIEN

Offence – Obstruction of justice
Category – B
Recommended Discipline – 3 year suspension
Status – Terminated 7/13/16
Agency – Brigham City Police Department

On July 13, 2016, Matthew O'Brien was investigated by his agency for obstruction of justice. During a *Garrity* interview with his agency, O'Brien disclosed he lied to law enforcement officers during an accident investigation involving his vehicle, which his wife was driving. O'Brien told the investigating officers he had loaned the vehicle to a friend who crashed it. O'Brien disclosed he lied because he knew his wife was intoxicated and he did not want her to get arrested for driving under the influence.

During a POST *Garrity* interview, O'Brien admitted he lied to investigating officers and admitted his friend, who he identified as the driver during the initial investigation, did not exist.

On November 22, 2016, Matthew O'Brien waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Motion: *Mayor Mileski motioned to accept the recommended 3 year suspension of Matthew O'Brien's peace officer certification.*

Second: *Chief Hawkes seconded the motion.*

Discussion: Victoria McFarland stated in the hearing waiver there was an interview July 13th and it appears that there had been lying under *Garrity* at that interview. She asked why the baseline is not for revocation for lying under *Garrity*. Attorney Yockey answered that the individual was under *Garrity* and during the interview he took a break and left the *Garrity* room and then came back and disclosed that he was being dishonest. Once the *Garrity* interview terminates, that is when lying under *Garrity* or failure to be honest or failure to provide answers in the *Garrity* interview kicks in. Mr. O'Brien was dishonest in the beginning. He took a break and came back and disclosed everything. POST did not take action on lying under *Garrity*. Director Stephenson clarified that *Garrity* doesn't specify on the timeframe. We give officers a chance to warm up and come to the truth and fortunately most of them do. Mr. Yockey stated that at the moment that *Garrity* interview concludes, it is locked in. If we do any follow-up investigation at that time and we find out there is lying in the first interview, lying under *Garrity* will kick in and revocation will be recommended.

Vote: *The motion passed with all in favor.*

BRANDEN PALMER

Offence – Intoxication

Category – F

Recommended Discipline – Letter of Caution

Status – Rescinded Employment Offer

Agency – Logan City Police Department

On August 21, 2016, Branden Palmer was investigated for intoxication by a local agency. The officer observed Palmer staggering and having difficulty with balance. Palmer had difficulty remembering where he lived and admitted to the officer he consumed alcoholic beverages at two different establishments. Palmer submitted to a portable breath test (PBT) two different times. The first PBT indicated a result of a 0.246 BrAC. The second PBT indicated a result of a 0.266 BrAC. Palmer's BrAC was ascending and he did not have anyone he could contact who could care for him. Palmer was transported to the hospital for evaluation. Palmer was later medically cleared, transported, and booked into the county jail. Palmer was issued a citation for intoxication. On October 25, 2016, Palmer entered into a diversion agreement.

On November 22, 2016, Branden Palmer waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Motion: *Christie Moren motioned to accept the recommended letter of caution.*

Second: *Chief Marlon Stratton seconded the motion.*

Vote: *The motion passed with all in favor.*

GARLAND PIERCE

Offence – Sexual conduct while on duty

Category – B

Recommended Discipline – 4 year suspension

Status – Terminated 7/16/16

Agency – Utah Highway Patrol

On May 25, 2015, Garland Pierce was investigated by his agency for engaging in sexual conduct while on duty. The investigation disclosed Pierce had met with a woman at least two times, while on duty, and engaged in sexual conduct. On July 16, 2016, Pierce was terminated by his agency. During a *Garrity* interview with his agency, Pierce admitted to engaging in sexual conduct on duty on at least two occasions.

During a *Garrity* interview with POST, Pierce admitted to engaging in sexual conduct while on duty on at least three occasions. Pierce admitted to the two occasions which he disclosed to his agency and one additional incident of sexual conduct while on duty, on or about November 25, 2015.

On November 11, 2016, Garland Pierce waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Garland Pierce addressed the Council and apologized for his actions. He apologized to the Utah Highway Patrol for tarnishing the reputation that he appreciated at the time of his hire. He stated there are no good reasons for any actions such as these and he accepts responsibility. He appreciates the investigation team for their professionalism. He stated that he believes he was cooperative in their investigation. Since this time, he has been going through therapy and an addiction recovery program to get his life back on track and gain some trust in his work place and life including his family.

Chairman Tracy asked Mr. Pierce if it would be his intention to return to law enforcement at some point. Mr. Pierce answered that it has been his dream to serve the public. It would be his intention to return to law enforcement after his therapist, the group that he goes to, as well as he himself feels that it would be time. Yes, returning to law enforcement would be his desire.

Motion: *Director Rollin Cook motioned to accept the recommended 4 year suspension of Garland Pierce's peace officer certification.*
Second: *Matthew Checketts seconded the motion.*
Vote: *The motion passed with all in favor. (Colonel Rapich recused himself)*

BRANDON SARGENT

Offence – Driving under the influence, *Garrity* violation
Category/s – A, D
Recommended Discipline – Revocation
Status – Resigned 9/18/14
Agency – Salt Lake County Sheriff's Office

On July 4, 2014, Brandon Sargent was investigated by police after the boat he was towing hit and knocked down multiple overhead utility lines. Sargent told police he was not driving the truck and that his wife had been driving. Multiple witnesses observed Sargent operating the truck while towing the boat. Police detected the strong odor of an alcoholic beverage coming from Sargent. Sargent performed field sobriety tests and was subsequently arrested for driving under the influence of alcohol. Sargent submitted to an intoxilyzer test which indicated he had a breath alcohol content of .094.

On July 10, 2014, charges were filed on Sargent for driving under the influence of alcohol, a class B misdemeanor, and violation of overweight/oversize permit, a class B misdemeanor. On November 25, 2014, Sargent pled guilty to an amended charge of impaired driving and the second charge was dismissed.

On April 22, 2015, during a POST *Garrity* interview, after receiving a *Garrity* warning, Sargent denied ever being in control of the vehicle on July 4, 2014. Sargent said it was his wife who had been driving the vehicle when their boat hit the utility lines.

On January 27, 2016, POST interviewed two witnesses who positively identified Sargent as the driver of the vehicle.

On January 28, 2016, POST contacted Sargent to schedule a follow-up interview. Sargent refused to come in for a second interview and said he was no longer interested in participating in POST's investigation.

Sargent failed to respond to the notice of agency action. On October 7, 2016, an order of default was signed by the administrative law judge and mailed to Sargent.

Motion: *Mayor Toby Mileski motioned to accept the recommended Revocation of Brandon Sargent's peace officer certification.*

Second: *Commissioner Kerry Gibson seconded the motion.*

Vote: *The motion passed with all in favor.*

BRET SECHLER

Offence – Intoxication, carrying a dangerous weapon while under the influence, interfering with arresting officer
Category – D

Recommended Discipline – 2 1/2 year suspension

Status – Terminated 1/14/16

Agency – Utah Department of Corrections

On August 25, 2015, Bret Sechler was home alone at his apartment when he accidentally discharged a personally owned firearm and sustained a burn to his leg from the muzzle flash. Sechler, who was intoxicated, called 911. Sechler was treated by Emergency Medical Services. The investigating officer issued Sechler a citation for intoxication and carrying a dangerous weapon while under the influence of alcohol. On September 14, 2015, Sechler pled guilty to both charges. Sechler's agency conducted an internal administrative investigation and Sechler's employment was subsequently terminated.

On April 2, 2016, in a public place, and again on April 11, 2016, at his residence, police responded to a call for service, found Sechler intoxicated, and charged him with intoxication. Sechler pled guilty to intoxication for the April 2, 2016 incident and the April 11, 2016 case was dismissed.

On June 6, 2016, Sechler and his ex-wife were consuming alcohol and got into a verbal argument. During the argument, Sechler fell from a second story balcony. Officers arrived and were attending to Sechler's injuries when he got up and tried to run away. Sechler yelled at police and struggled with the officers when they tried to arrest him for intoxication. Sechler was booked into the local jail for intoxication, disorderly conduct, and interference with an arresting officer. On June 9, 2016, Sechler pled no contest to intoxication and interference with an arresting officer.

Sechler failed to respond to the notice of agency action. On September 29, 2016, an order of default was signed by the administrative law judge and mailed to Sechler.

Motion: *Chief Marlon Stratton motioned to accept the recommended 2 1/2 year suspension of Bret Sechler's peace officer certification.*

Second: *Mayor Toby Mileski seconded the motion.*

Vote: *The motion passed with all in favor. (Executive Director Rollin Cook recused himself)*

RONALD SKEEM

Offence – Disorderly Conduct

Category – F

Recommended Discipline – 3 month suspension

Status – Resigned 9/3/15

Agency – Iron County Sheriff's Office

On August 22, 2015, Ronald Skeem, a law enforcement officer with Iron County Sheriff's Office, and his wife, went to a friend's house and consumed alcohol. Late in the evening, Skeem accused his friend of being inappropriate with the Skeem's wife. As the two argued both men began pushing each other and the friend's wife got between them, trying to separate them. Skeem began to walk away and the friend pushed his wife to

the ground. Skeem turned around and hit the friend in the head two times with a closed fist and then walked away. The friend followed Skeem. When the friend became confrontational with a neighbor, Skeem took the friend to the ground and held him until police arrived.

The friend was transported to the hospital and treated for a cut and broken nose. The case was screened with a county attorney who filed aggravated assault and intoxication charges on Skeem. On April 13, 2016, Skeem pled guilty to disorderly conduct, a class C misdemeanor.

On November 14, 2016, a hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating POST failed to prove by clear and convincing evidence Skeem violated UCA 76-5-102, assault, a class A misdemeanor, as outlined in the notice of agency action in count I. POST was however able to prove by clear and convincing evidence Skeem violated UCA 76-9-102, disorderly conduct, a class C misdemeanor, as outlined in the notice of agency action in count II.

Chairman Tracy informed the Council there was a letter of support from the Iron County sheriff. Jack Burns, attorney for Ronald Skeem, asked for permission to present additional letters of support to the Council. To save time, Chairman Tracy asked Attorney Burns to summarize the five letters of support instead of passing them out to the Council to read. Attorney Burns stated they are letters of support for Mr. Skeem from the Garfield County Sheriff's Office including one from the sheriff. There is a letter of support from a local DEA agent, Agent Lacy. There is also a letter of support from the Iron County attorney. The Iron County attorney is the attorney under which Mr. Skeem would have had the most interaction in his case load. Attorney Burns asked Chairman Tracy if the letters could be made part of the record. Chairman Tracy said they could.

Attorney Burns informed the Council that the recommendation falls under Category F. The baseline recommendation is a three month suspension. The range is from a letter of caution to a one year suspension. He stated that Mr. Skeem's date of separation was on September 3, 2015. He resigned from the Iron County Sheriff's office at that time and has not been re-employed in any law enforcement capacity since then. He asked the Council to consider that as a mitigating factor. Mr. Skeem has voluntarily been unemployed from law enforcement for about 15 months now. Attorney Burns encouraged the Council to recommend a letter of caution for Mr. Skeem in this matter.

Ronald Skeem addressed the Council and apologized for the embarrassment this has caused the whole state of law enforcement. He would like to move on and get this behind him.

Mayor Mileski asked if the disorderly conduct charge was because of the intoxication outside of the residence. Attorney Yockey answered that the disorderly conduct charge was brought before the Council due to the conviction in the court. Attorney Yockey stated it was most likely from the mutual combat situation, but once again, it resulted from the conviction with the court.

Attorney Burns stated that he was involved in the court proceedings and could shed some light on why Mr. Skeem felt justified in pleading to that.

Sheriff Noel asked the Council at what point would someone need to recuse himself in a particular hearing. He stated he is fully aware of Officer Skeem as he was a narcotics agent with the Beaver, Iron and Garfield taskforce. That is about the only knowledge that he has of Mr. Skeem, but he knows about this case pretty in depth.

Attorney Kevin Bolander answered that in our code it says a council member shall recuse himself or herself from consideration of an issue that is before the council if the council member has one of these three things:

- a) a personal bias for or against the officer
- b) a substantial pecuniary interest in the outcome of the proceeding and may gain or lose some benefit from the outcome; or
- c) employs, supervises, or works for the same law enforcement agency as the officer whose case is before the council.

Attorney Bolander stated that he thinks Sheriff Noel's question goes to the first one, a personal bias for or against the officer. That is the question. Do you have a personal bias for or against the officer? If you do, you need to recuse yourself. Sheriff Dekker and Sheriff Noel asked to recuse themselves.

Motion: *Frank Budd motioned to accept the recommended 3 month suspension of Ronald Skeem's peace officer certification.*

Second: *Christie Moren seconded the motion.*

Vote: *The motion passed with all in favor. (Sheriff Dekker and Sheriff Noel recused themselves)*

Chairman Tracy informed Attorney Burns that the 3 month suspension would start on the date of separation, which was September 3, 2015, and that time has already passed.

CORDELL THOMPSON

Offence – BCI Violation

Category – E

Recommended Discipline – Letter of caution

Status – Written warning

Agency – Box Elder County Sheriff's Office

Cordell Thompson was investigated by his agency for a BCI violation. The investigation disclosed that during a BCI audit of his agency's records, it was discovered Thompson accessed his wife's driver license record through BCI on June 23, 2016, and again on July 6, 2016. In interviews with the criminal investigator, his agency, and POST, Thompson admitted he accessed his wife's driver license record on two occasions for the purpose of purchasing her an Idaho one-day fishing license online. Thompson did not believe his actions were a violation of law because he did not gain anything and had no malicious intent.

The case was screened with the county attorney who declined to file charges. Thompson received a written warning from his agency and retained his employment.

On November 11, 2016, Thompson waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chairman Tracy informed the Council there was a letter of support from Mr. Thompson's agency.

Motion: *John Crowley motioned to accept the recommended letter of caution.*

Second: *Commissioner Gibson seconded the motion.*

Vote: *The motion passed with all in favor.*

CRAIG WARR

Offence – Impaired driving

Category – D

Recommended Discipline – 2 year suspension

Status – Terminated 12/12/14

Agency – Utah Department of Corrections

On October 12, 2014, Craig Warr was investigated for driving under the influence. The investigation disclosed Warr was driving from his home to his campsite with his nine-year old son, in preparation for the elk hunt. Part-way through his trip, Warr stopped for approximately one hour and listened for elk bugling. Warr said he consumed two beers while he was listening for elk. Approximately 10 miles from his campsite, Warr encountered road construction that was not there the week before. When driving through the construction

zone, Warr struck a large plastic crash cushion; Warr's pickup went up onto the crash cushion and became stuck. Warr was not able to get his pickup unstuck. According to Warr, once he realized his pickup was stuck, he consumed more than half of a bottle of whiskey (750 mL). Police arrived approximately one hour later.

When officers arrived, Warr was standing outside his vehicle and was obviously intoxicated. Warr performed field sobriety tests and was arrested for driving under the influence of alcohol. Warr submitted to an intoxilyzer test which indicated he had a breath alcohol content of .17.

Warr was terminated from his agency on December 12, 2014. On July 7, 2016, Warr pled guilty to impaired driving and open container. During two *Garrity* interviews with POST and a *Garrity* interview with his agency, Warr denied consuming any whiskey prior to getting his pickup stuck on the crash cushion. According to Warr, he was not intoxicated or impaired when the crash occurred.

On November 24, 2016, Craig Warr waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

JC Jensen, representative for Mr. Warr, addressed the Council. He stated Mr. Warr has been consistent, not only his recollection, but also with his articulation of the events given rise for his appearance before you today. As noted in the notice of agency action as well as his criminal proceedings. Mr. Jensen requested that any factors the Council uses to determine discipline against Mr. Warr would be limited to count one, impaired driving and count two, open container. He asked if the Council does take those into consideration that they limit the determination to those facts. The Council has a history of issuing a one year to 18 month suspension with individuals whose blood alcohol content is near the numbers of Mr. Warr. That number being .17.

Mr. Warr addressed the Council. He stated that never in his nearly 15 years in law enforcement would he have thought he would be in this situation. He stated he is not there to beg for mercy, but is there to make a statement. Since that night in October 2014, it has become clear to him that he can't consume alcohol. He is not that guy who can drink a beer to unwind after work. He is not that guy who can resort to the use of alcohol to alleviate any stressful situations. The instances of that night are evidence of that. He has not had a drop of alcohol since that night. The past two years have been the most difficult and stressful times of his life. He has struggled to keep a roof over his family and food on the table. He can't think of a more stressful situation a father and husband could be in. He has taken the steps and enrolled in a prime for life class, alcohol education, community support groups, and LDS addiction recovery program. At the beginning of this incident, it was very difficult to participate in the treatment, due to his time serving as a probation or parole officer, without seeing someone that he arrested at the support groups. It was a lot of pride to swallow. He stated that pride did get swallowed. He assured the Council that the proverbial monkey is off his back. He is that guy now.

Frank Budd asked if Mr. Warr was given a two year suspension, would the suspension start on December 12, 2014, the date he was terminated. Attorney Yockey answered that is typically how the Council handles it.

Victoria McFarland asked how old the child in the vehicle was. Attorney Yockey answered the records we have show he was nine. Ms. McFarland asked if there is any idea of how much time lapsed from the time of the accident to the time law enforcement arrived on scene. Investigator Rob Bench responded that it was approximately an hour. Attorney Yockey stated that is something for the Council to consider. POST is putting the recommendation based on the accident and high breath alcohol content. That is with the knowledge there was alcohol consumed after the fact.

Colonel Rapich asked why this wasn't considered a class A. Attorney Yockey answered that POST went with the impaired driving, category D.

Sheriff Noel asked why this case has taken two years to come before the Council. Attorney Yockey answered POST has had a lot of fluctuation with the investigators. Also, with this particular case, due to the facts, we chose to wait [for criminal adjudication]. Some cases we take immediately and some cases we wait for the

criminal adjudication to terminate. POST decided it was best for the criminal case to proceed so it could be determined whether there was guilt or not. Director Stephenson added that POST had difficulty establishing Mr. Warr behind the wheel. POST wanted to wait for the criminal case to adjudicate. We know there was alcohol on board. We don't know if he was above the legal limit at that time. Director Stephenson stated POST felt it was better to wait for the criminal case to unfold and come to a conclusion. Attorney Yockey stated POST brings this before the Council due to the conviction for the impaired driving.

Mayor Mileski asked a clarifying question about the time lapse from when Mr. Warr was listening to wildlife and consuming two beers to the time he hit the road construction. Attorney Yockey answered it is an approximation but based on Mr. Warr's testimony, it was 45 minutes to one hour.

John Crowley asked if the accident happened on a state highway, a dirt road or what. Attorney Yockey answered on a state highway. John Crowley made a motion to accept the two year suspension based on the fact that Mr. Warr was consuming alcohol on a state highway with a nine-year-old in the vehicle.

Motion: *John Crowley motioned to accept the recommended 2 year suspension of Craig Warr's peace officer certification.*
Second: *Victoria McFarland seconded the motion.*
Vote: *The motion passed with all in favor. (Director Rollin Cook recused himself)*

MIKEL WATKINS

Offence – Fishing with prohibited bait

Category – E

Recommended Discipline – Letter of caution

Status – Written warning

Agency – Utah Department of Corrections

On May 7, 2016, Mikel Watkins, was investigated by an outside police agency for fishing with prohibited bait. The investigation disclosed that on May 7, 2016, Watkins was fishing for sturgeon in Idaho. An officer approached Watkins and verified he had a valid fishing license. The officer inspected Watkins' fishing equipment to make sure he was using proper tackle for that area. The officer found Watkins' tackle was in compliance with proclamation regulations; however, Watkins was found to be fishing with pickled herring as bait. The area in which Watkins was fishing had a prohibited bait regulation in effect until Memorial Day weekend.

Watkins had read the proclamation and believed he was in compliance with all rules; however, he misunderstood the area in which he was fishing had a bait restriction. Watkins was issued a citation for fishing with prohibited bait under Idaho Code 36-901.

On October 6, 2016, Mikel Watkins waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chairman Tracy informed the Council there was a letter of support from Mr. Watkin's agency.

Mr. Watkins addressed the Council. He informed them he has been with the Department of Corrections for 4 ½ years and has never had any disciplinary action up until this point. He stated he loves his job and the fine staff that he works with. Every day he tries to live up to the mission and vision statement for his department. He hopes the Council will see that he tried to in this situation as well. He holds himself to a higher standard. Honor, accountability and integrity are on his patch. He is proud of that. That is an outward expression of his inward beliefs. He explained that on May 6, 2016, he had bought a fishing license for that day. He picked up a proclamation and went to an area that his brother was familiar with. He fished with pickled herring, which he understood was how his brother always fished and there was no incident. He complied with all of the

proclamation rules and regulations. The next day it was raining, so instead of going back to the familiar spot, his brother suggested a new area that he had never gone to that he had heard about.

Mr. Watkins stated this was at American Falls reservoir which was only about 20 minutes away. He bought another fishing license for that day and again looked at the proclamation. He didn't see any bait restrictions. The issue is that right below the dam is the Snake River. He felt he was in compliance. He double and triple checked. He was not aware it was the Snake River. He takes full accountability for his actions. He has received a written warning from his agency. He cut the trip short after he received the citation and drove straight home and called his sergeant to explain the situation. He recommends the Council issue a letter of caution.

Mayor Mileski asked who had told Mr. Warr to fish in that area. Mr. Warr answered that his brother had recommended that area. His brother had heard from other people to go fishing at American Falls reservoir.

Chairman Tracy asked if it was correct that the charges were dismissed. Mr. Watkins answered that the Judge there does not allow you to just pay a fine. You have to go back and meet with them. Mr. Watkins stated that he went back to Idaho and talked with the prosecuting attorney. The attorney believed that Mr. Watkins had no intent and recommended a bond forfeiture which is basically a fine and the court costs. Mr. Watkins stated he did not get the misdemeanor charge on his record.

Sheriff Noel asked if there was a recommendation that was less than a written warning. Chairman Tracy answered no action.

Motion: ***Sheriff Noel motioned to not accept the recommended letter of caution and recommended no action be taken on Mikel Watkin's peace officer certification.***

Second: ***Mayor Toby Mileski seconded the motion.***

Vote: ***The motion passed with all in favor. (Director Rollin Cook recused himself)***

Chairman Tracy turned the time over to Director Stephenson for some closing remarks. Director Stephenson stated that every POST Council meeting he is humbled by the amount of effort that goes into these cases by the POST staff and the way Council conducts themselves and ask good questions. Director Stephenson appreciates the Council's good work and their willingness to serve on the Council. It is not an easy decision. It is one thing to lose your job, but to lose your ability to work as an officer again is a big deal. He is glad the Council takes this seriously. Director Stephenson thanked Captain Kelly Sparks. Captain Sparks has taken up the slack where Lt. Acosta left us in retirement. Captain Sparks has done a great job in filling in. Hopefully by the next council meeting we will have a new lieutenant before you.

Director Stephenson informed the Council that several weeks back Sheriff Tracy contacted him regarding background investigations. Director Stephenson explained that typically someone will come to POST to do a background investigation to view an applicant's file. POST now has the ability to screen share the files. The background investigators do not need to come to POST physically. They can view the file remotely. There will be a condition attached that they do not copy the information. There is still some sensitive information in those packets, but again POST can't police that. POST will allow screen sharing for background investigations but we do not want the applications to be copied.

Chairman Tracy thanked Director Stephenson for making the screen share possible. He stated the issue came up with some of the chiefs and sheriffs in the southern parts of the state. This is a way to maximize their ability to quickly do a background check on someone who has gone through POST and is trying to be hired. This will save the agencies time and money to not have to travel from parts in the south that are a long ways away.

Director Stephenson stated he will send out a letter to the associations updating them on how this process is going to work. POST staff is currently being trained so they can give you access. Chairman Tracy informed

the Council that a username and password would be required to make it secure. Director Stephenson added that it will be for one time use.

Commissioner Gibson asked to address the Council on a different subject. He stated that through these cases, the Council sees things they wish they didn't have to see. There are some negative things that come up about our officers. He stated that he has been thinking a lot lately about the amount of good that is done by so many of our good officers. He feels that it is important that we recognize that. He wished that there was an opportunity, maybe in this meeting for time to time, to recognize some really positive accomplishments from our officers. He thinks if people were to watch the Council, which they obviously do, they may be left with the idea that there are a lot of bad ones out there.

Commissioner Gibson is impressed with the amount of good that is done by these great men and women in law enforcement. He stated that where he sits, he sees a lot of that. It's been especially on his mind the last little while with the passing of Trooper Ellsworth from his neighborhood. As a close friend with Trooper Ellsworth's sister, he has been able to watch and be a part of that family's grieving process. He wanted to personally say thank you to not just those on the Council but hoped that reverberation goes a long way. He hoped officers would hear and recognize the gratitude for them and the hard work that they do on our behalf. He's not sure why anyone would want to do it right now with the way they are treated. He expressed his gratitude wholeheartedly for that sacrifice. On behalf of the Ellsworth family, he wanted to personally thank Colonel Rapich for his efforts and care and love. He knows that was tremendously comforting to Ellsworths to have him treat them the way that he did. He asked the Council if they would allow this body an opportunity for a moment of silence on behalf of Trooper Ellsworth. Commissioner Gibson explained that would help him get through this emotion that is coming out.

Chairman Tracy replied he felt that would be appropriate. He stated there was a Dan Jones poll last year in conjunction with the legislature. The poll showed there is an extraordinarily high favorability rating in this state for law enforcement and what the citizens think of them. That is why this is so important. He said we have high standards. There are things here that no one else in the business world cares about. Chairman Tracy said we care about integrity and honor. As we keep those standards high by taking corrective actions, and by far they are the minority, we can keep that open and transparent dialog with the citizens that we serve.

Chairman Tracy then called for a moment of silence.

Director Stephenson was reminded of an interview that he did with Bruce Lindsay several years ago. Mr. Lindsay kept focusing on the negativity of the profession. Director Stephenson asked the Council to keep in mind there are 8700 officers in this state. POST investigates less than one percent. Director Stephenson feels that is phenomenal and would put that number up against any profession. Unfortunately there is a lot of negative that comes before this Council. He stated that is why he thanks this council every meeting. He stated we see the crap and the mistakes. We see good people make poor choices and still have to be held accountable due to the higher standards that we established.

Frank Budd stated that as director of the Utah Chiefs of Police, our chiefs typically and regularly report on the support they get from their local communities. He stated we are not Ferguson, sometimes people forget that. In Utah, our citizenry supports, helps and respects our local law enforcement.

SCHEDULE NEXT MEETING

Next meeting will be held on March 30, 2017 at 1:00 p.m. in St. George, Utah. The location is to be determined.

Adjourn

Meeting adjourned at 12:00 pm.